

104TH CONGRESS
1ST SESSION

H. R. 460

To provide for the granting of asylum in the United States to nationals of Laos, Vietnam, Cambodia, and Burma who assist in the return to the United States of living Vietnam POW/MIAs and to provide for the granting of asylum in the United States to nationals of North Korea, South Korea, and China who assist in the return to the United States of living Korean POW/MIAs.

IN THE HOUSE OF REPRESENTATIVES

JANUARY 9, 1995

Mr. UPTON introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide for the granting of asylum in the United States to nationals of Laos, Vietnam, Cambodia, and Burma who assist in the return to the United States of living Vietnam POW/MIAs and to provide for the granting of asylum in the United States to nationals of North Korea, South Korea, and China who assist in the return to the United States of living Korean POW/MIAs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Vietnam and Korea
3 POW/MIA Rescue Act”.

4 **SEC. 2. VIETNAM POW/MIA ASYLUM PROGRAM.**

5 (a) ASYLUM FOR ELIGIBLE ALIENS.—The Attorney
6 General shall grant asylum in the United States to any
7 alien described in subsection (b), upon the application of
8 that alien.

9 (b) ELIGIBILITY.—Asylum shall be granted under
10 subsection (a) to any alien (1) who is a national of Laos,
11 Vietnam, Cambodia, or Burma, and (2) who, while acting
12 other than in an official or unofficial capacity on behalf
13 of any government or agency, personally delivers into the
14 custody of the United States Government a living Vietnam
15 POW/MIA (or participates in such a delivery).

16 (c) VIETNAM POW/MIA DEFINED.—

17 (1) For purposes of this section, the term
18 “Vietnam POW/MIA” means an individual—

19 (A) who is a member of a uniformed serv-
20 ice (within the meaning of section 101(3) of
21 title 37, United States Code) in a missing sta-
22 tus (as defined in section 551(2) of such title)
23 as a result of the Vietnam conflict, unless it is
24 officially determined under section 552(c) of
25 such title that such individual is officially ab-

1 sent from such individual's post of duty without
2 authority; or

3 (B) who is an employee (as defined in sec-
4 tion 5561(2) of title 5, United States Code) in
5 a missing status (as defined in section 5561(5)
6 of such title) as a result of the Vietnam con-
7 flict.

8 Such term does not include an individual who the
9 Secretary of Veterans Affairs determines remained
10 in Vietnam, Laos, or Cambodia voluntarily.

11 (2) For purposes of paragraph (1)—

12 (A) the Vietnam conflict began on Feb-
13 ruary 28, 1961, and ended on May 7, 1975;
14 and

15 (B) an individual in a missing status shall
16 be considered to be in a missing status as a re-
17 sult of the Vietnam conflict if immediately be-
18 fore that status began the individual—

19 (i) was performing service in Vietnam;

20 or

21 (ii) was performing service in South-
22 east Asia in direct support of military op-
23 erations in Vietnam.

1 **SEC. 3. KOREA POW/MIA ASYLUM PROGRAM.**

2 (a) ASYLUM FOR ELIGIBLE ALIENS.—The Attorney
3 General shall grant asylum in the United States to any
4 alien described in subsection (b), upon the application of
5 that alien.

6 (b) ELIGIBILITY.—Asylum shall be granted under
7 subsection (a) to any alien (1) who is a national of North
8 Korea, South Korea, or China and (2) who, while acting
9 other than in an official or unofficial capacity on behalf
10 of any government or agency, personally delivers into the
11 custody of the United States Government a living Korea
12 POW/MIA (or participates in such a delivery).

13 (c) KOREA POW/MIA DEFINED.—

14 (1) For purposes of this section, the term
15 “Korea POW/MIA” means an individual—

16 (A) who is a member of a uniformed serv-
17 ice (within the meaning of section 101(3) of
18 title 37, United States Code) in a missing sta-
19 tus (as defined in section 551(2) of such title)
20 as a result of the Korean conflict, unless it is
21 officially determined under section 552(c) of
22 such title that such individual is officially ab-
23 sent from such individual’s post of duty without
24 authority; or

25 (B) who is an employee (as defined in sec-
26 tion 5561(2) of title 5, United States Code) in

1 a missing status (as defined in section 5561(5)
2 of such title) as a result of the Korean conflict.
3 Such term does not include an individual who the
4 Secretary of Veterans Affairs determines remained
5 in North Korea, South Korea, or China voluntarily.

6 (2) For purposes of paragraph (1)—

7 (A) the Korean conflict began on June 27,
8 1950, and ended on January 31, 1955; and

9 (B) an individual in a missing status shall
10 be considered to be in a missing status as a re-
11 sult of the Korean conflict if immediately before
12 that status began the individual—

13 (i) was performing service in the Ko-
14 rean peninsula ; or

15 (ii) was performing service in Asia in
16 direct support of military operations in the
17 Korean peninsula.

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